

ESTTA Tracking number: **ESTTA383430**

Filing date: **12/13/2010**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Petition for Cancellation

Notice is hereby given that the following party requests to cancel indicated registration.

Petitioner Information

| | | | |
|---------|--|-------------|---------------|
| Name | Anthony Kleinsmith | | |
| Entity | Individual | Citizenship | UNITED STATES |
| Address | 2764 North 675 East Lehi, UT 84043 UNITED STATES | | |

| | |
|----------------------------|--|
| Correspondence information | Barnard N. Madsen Attorney Fillmore Spencer 3301 N. Univeristy Ave. Provo, UT 84064 UNITED STATES bmadsen@fslaw.com Phone:801-426-8200 |
|----------------------------|--|

Registration Subject to Cancellation

| | | | |
|-----------------|--|-------------------|------------|
| Registration No | 2415620 | Registration date | 12/26/2000 |
| Registrant | IMMUNE-TREE INTERNATIONAL, INC. 1163 SOUTH 1680 WEST OREM, UT 84058 UNITED STATES | | |

Goods/Services Subject to Cancellation

| |
|---|
| Class 005. First Use: 1998/09/24 First Use In Commerce: 1998/09/24 All goods and services in the class are cancelled, namely: DIETARY SUPPLEMENT COMPRISED OF BOVINE COLOSTRUM |
|---|

Grounds for Cancellation

| | |
|-------------|--------------------------|
| Abandonment | Trademark Act section 14 |
|-------------|--------------------------|

| | |
|-------------|--|
| Attachments | kleinsmith cancel.pdf (5 pages)(872891 bytes) |
|-------------|--|

Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

| | |
|-----------|-----------------------|
| Signature | /s/ Barnard N. Madsen |
| Name | Barnard N. Madsen |

| | |
|------|------------|
| Date | 12/13/2010 |
|------|------------|

GROUND FOR CANCELLATION

1. Anthony Kleinsmith has applied to register the IMMUNE TREE (words-and-design) mark, and the registration of the IMMUNE-TREE mark could injure Petitioner in obtaining registration of its IMMUNE TREE (words-and-design) mark.
2. Registrant Immune-Tree International, Inc. has abandoned the IMMUNE-TREE mark through its nonuse for no less than three consecutive years. During that time, and to the present, Registrant has failed to use the mark in connection with the sale of goods.
3. Registrant's status as a Nevada corporation was revoked after Registrant failed to comply with requirements in May 2009. (See Exhibit A.)
4. Thus, pursuant to 15 U.S.C. 1127, Registrant has abandoned its trademark and the mark should be canceled.

EXHIBIT A

IMMUNE-TREE INTERNATIONAL, INC.

| Business Entity Information | | | |
|-----------------------------|----------------------|-----------------------|------------|
| Status: | Revoked | File Date: | 5/01/1996 |
| Type: | Domestic Corporation | Entity Number: | C9734-1996 |
| Qualifying State: | NV | List of Officers Due: | 5/31/2009 |
| Managed By: | | Expiration Date: | |
| NV Business ID: | NV19961119620 | Business License Exp: | |

| Registered Agent Information | | | |
|------------------------------|--------------------------------|--------------------|-------------------------|
| Name: | MARIE LEVINE | Address 1: | 2165 WINDMILL LANE #606 |
| Address 2: | | City: | LAS VEGAS |
| State: | NV | Zip Code: | 89123 |
| Phone: | | Fax: | |
| Mailing Address 1: | | Mailing Address 2: | |
| Mailing City: | | Mailing State: | |
| Mailing Zip Code: | | | |
| Agent Type: | Noncommercial Registered Agent | | |

| Financial Information | | | |
|-----------------------|----------------|------------------|---------------|
| No Par Share Count: | 0 | Capital Amount: | \$ 201,500.00 |
| Par Share Count: | 201,500,000.00 | Par Share Value: | \$ 0.001 |

| Officers <input type="checkbox"/> Include Inactive Officers | | | |
|---|--------------------|------------|-----------|
| Secretary - MARYANN METZ | | | |
| Address 1: | 4270 VERONA | Address 2: | |
| City: | LAS VEGAS | State: | NV |
| Zip Code: | 89120 | Country: | |
| Status: | Active | Email: | |
| Treasurer - MARYANN METZ | | | |
| Address 1: | 4270 VERONA | Address 2: | |
| City: | LAS VEGAS | State: | NV |
| Zip Code: | 89120 | Country: | |
| Status: | Active | Email: | |
| President - MARYANN METZ | | | |
| Address 1: | 601 S. 10TH STREET | Address 2: | SUITE 107 |
| City: | LAS VEGAS | State: | NV |
| Zip Code: | 89101 | Country: | |
| Status: | Active | Email: | |
| Director - MARYANN METZ | | | |
| Address 1: | 601 S 10TH STREET | Address 2: | SUITE 107 |
| City: | LAS VEGAS | State: | NV |
| Zip Code: | 89101 | Country: | |
| Status: | Active | Email: | |

| Actions\Amendments | |
|--------------------|---------------------------|
| Action Type: | Articles of Incorporation |

| | | | |
|--|-------------------------|-----------------|---|
| Document Number: | C9734-1996-001 | # of Pages: | 4 |
| File Date: | 5/01/1996 | Effective Date: | |
| (No notes for this action) | | | |
| Action Type: | Annual List | | |
| Document Number: | C9734-1996-013 | # of Pages: | 1 |
| File Date: | 4/29/1998 | Effective Date: | |
| (No notes for this action) | | | |
| Action Type: | Annual List | | |
| Document Number: | C9734-1996-011 | # of Pages: | 1 |
| File Date: | 8/06/1999 | Effective Date: | |
| (No notes for this action) | | | |
| Action Type: | Annual List | | |
| Document Number: | C9734-1996-012 | # of Pages: | 1 |
| File Date: | 2/13/2001 | Effective Date: | |
| (No notes for this action) | | | |
| Action Type: | Amendment | | |
| Document Number: | C9734-1996-004 | # of Pages: | 1 |
| File Date: | 9/18/2001 | Effective Date: | |
| CAPITAL STOCK WAS 25000000 @ .001 = 25000 MXL | | | |
| (1)PG. MXL | | | |
| Action Type: | Registered Agent Change | | |
| Document Number: | C9734-1996-005 | # of Pages: | 1 |
| File Date: | 9/20/2001 | Effective Date: | |
| NEVADA AGENCY & TRUST COMPANY SUITE 880 | | | |
| 50 WEST LIBERTY STREET RENO NV 89501 DMM | | | |
| Action Type: | Amendment | | |
| Document Number: | C9734-1996-006 | # of Pages: | 1 |
| File Date: | 1/31/2002 | Effective Date: | |
| CAPITAL STOCK WAS 200,000,000 @ 0.001 = \$200,000 DEG | | | |
| CERTIFICATE OF AMENDMENT FILED AMENDING ARTICLES 1 (NAME) AND 4 (STOCK). | | | |
| (FILING FEE \$150). (1) PG. DEG | | | |
| CAMPBELL TECHNOLOGIES, INC. DEGB wg% 00001 | | | |
| Action Type: | Registered Agent Change | | |
| Document Number: | C9734-1996-007 | # of Pages: | 2 |
| File Date: | 9/09/2002 | Effective Date: | |
| LAUGHLIN ASSOCIATES, INC. | | | |
| 2533 N. CARSON STREET CARSON CITY NV 89706 AJW | | | |
| Action Type: | Amendment | | |
| Document Number: | C9734-1996-008 | # of Pages: | 1 |
| File Date: | 10/03/2002 | Effective Date: | |
| 1 PG. RAF | | | |
| ELITE BRANDS INTERNATIONAL, INC. RAFBye {} 00002 | | | |
| Action Type: | Annual List | | |
| Document Number: | C9734-1996-010 | # of Pages: | 1 |
| File Date: | 4/15/2003 | Effective Date: | |
| (No notes for this action) | | | |
| Action Type: | Annual List | | |
| Document Number: | C9734-1996-002 | # of Pages: | 1 |
| File Date: | 4/13/2004 | Effective Date: | |
| List of Officers for 2004 to 2005 | | | |
| Action Type: | Amendment | | |
| Document Number: | C9734-1996-009 | # of Pages: | 1 |
| File Date: | 10/15/2004 | Effective Date: | |

1 PG. MDC

AVIATION INNOVATIONS AND RESEARCH INC. MDCBI 00003

| | | | |
|------------------|----------------|-----------------|---|
| Action Type: | Amended List | # of Pages: | 1 |
| Document Number: | C9734-1996-003 | Effective Date: | |
| File Date: | 10/19/2004 | | |

(No notes for this action)

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|------------------|----------------|-----------------|---|
| Action Type: | Annual List | # of Pages: | 1 |
| Document Number: | 20050132981-71 | Effective Date: | |
| File Date: | 4/13/2005 | | |

(No notes for this action)

| | | | |
|------------------|---------------------------------|-----------------|---|
| Action Type: | Registered Agent Address Change | # of Pages: | 1 |
| Document Number: | 20050132990-81 | Effective Date: | |
| File Date: | 4/13/2005 | | |

8280 GILA BEND WY LAS VEGAS 89123

| | | | |
|------------------|----------------|-----------------|---|
| Action Type: | Annual List | # of Pages: | 3 |
| Document Number: | 20060209430-66 | Effective Date: | |
| File Date: | 3/31/2006 | | |

06-07

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|------------------|----------------|-----------------|---|
| Action Type: | Annual List | # of Pages: | 1 |
| Document Number: | 20070183557-48 | Effective Date: | |
| File Date: | 3/15/2007 | | |

(No notes for this action)

| | | | |
|------------------|-------------------------|-----------------|---|
| Action Type: | Resignation of Officers | # of Pages: | 1 |
| Document Number: | 20070842448-09 | Effective Date: | |
| File Date: | 12/10/2007 | | |

(No notes for this action)

| | | | |
|------------------|----------------|-----------------|---|
| Action Type: | Amended List | # of Pages: | 1 |
| Document Number: | 20070884328-32 | Effective Date: | |
| File Date: | 12/30/2007 | | |

(No notes for this action)

| | | | |
|------------------|-------------------------|-----------------|---|
| Action Type: | Registered Agent Change | # of Pages: | 1 |
| Document Number: | 20080342484-65 | Effective Date: | |
| File Date: | 5/19/2008 | | |

(No notes for this action)

| | | | |
|------------------|----------------|-----------------|---|
| Action Type: | Annual List | # of Pages: | 1 |
| Document Number: | 20080537246-17 | Effective Date: | |
| File Date: | 8/12/2008 | | |

(No notes for this action)